



Winston H. Hickox  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board

## San Francisco Bay Region

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Gray Davis  
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Date: SEP 27 2000

File No. 2128.03(SLB)

2118.03

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Mr. Denis Mulligan, District Division Chief  
California Department of Transportation  
P.O. Box 23660  
Oakland, CA 94623-0660

SUBJECT: WATER QUALITY CERTIFICATION FOR CALIFORNIA  
DEPARTMENT OF TRANSPORTATION, BENICIA BRIDGE, CONTRA  
COSTA AND SOLANO COUNTIES, CORPS NO. 21392N, SITE NO. 02-  
07-C0148

Dear Mr. Mulligan:

We have reviewed and hereby conditionally issue water quality certification for the California Department of Transportation (Caltrans) proposal to impact jurisdictional wetlands and other waters of the United States in connection with the construction of a new Benicia-Martinez bridge between Contra Costa and Solano Counties. The activity is being processed as an individual permit by the U.S. Army Corps of Engineers, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). The bridge project is also being permitted by the United States Coast Guard under Section 9 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401). Accordingly, you have applied to the Regional Board for a Clean Water Act Section 401 water quality certification that the project will not violate State water quality standards.

**Project:** Caltrans has proposed to construct a new bridge over the Carquinez Strait connecting the City of Martinez, Contra Costa County and the City of Benicia, Solano County. In addition to the new bridge, the project will include a new toll plaza and administration building facility, reconstruction of bridge approaches including the I-680/I-780 and the I-680/Marina Vista Interchanges, and modifications to the existing bridge to accommodate a pedestrian and bicycle path.

**CEQA:** To complete the National Environmental Protection Act process, a Record of Decision for the bridge project was signed by the Federal Highway Administration on October 31, 1997. A Final Environmental Impact Report for the project was completed and certified as in compliance with CEQA on September 25, 1997. A Notice of Determination was signed on September 29, 1997.

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**Impacts:** The construction of the bridge and the related areas will result in the following impacts to jurisdictional wetlands and waters:

TYPE	TEMPORARY (AC)	PERMANENT (AC)	TOTAL (AC)
Northern Coastal Salt Marsh	0.032	0.514	0.546
Northern Coastal Brackish Marsh	5.638	0.312	5.950
Coastal and Valley Fresh Water Marsh	0	0.184	0.184
Shallow Water Habitat	0.230	0.300	0.530
Estuarine	0	0.106	0.106
TOTALS	5.900	1.416	7.316

The project will impact endangered species habitat, including temporary and permanent impacts to 6.5 acres of salt marsh harvest mouse habitat and 0.53 acres of delta smelt habitat.

Board staff finds that Caltrans, with its Alternatives Analysis, has taken appropriate effort to avoid and then to minimize wetland impacts, as required by the Basin Plan.

**Mitigation:** Mitigation for the loss of wetland habitat and other jurisdictional waters associated with the bridge project will be the restoration of a diked and filled tidal marsh on a 22.8 acre parcel of land along Industrial Road in Benicia. The parcel is currently owned by Caltrans. A total of 17.4 acres of tidal marsh will be created on the parcel to compensate for the loss of wetland habitat and other jurisdictional waters. Tidal flows will be reestablished to the mitigation site through an existing tidal channel that crosses brackish marshland in the Goodyear Slough Unit of the Grizzly Island Wildlife Area, owned and managed by the California Department of Fish and Game. The tidal channel will be connected to the mitigation site by placing culverts under the railroad tracks, which separate the mitigation site from the Goodyear Slough Unit. After successful completion of the mitigation, Caltrans will deed the site to the Department of Fish and Game.

Elevated groundwater concentration levels of trichloroethylene (TCE) exist in a sand layer at a portion of the mitigation site. In addition, elevated concentrations of mercury occur in soil at the site. Caltrans plans to remove the mercury-polluted soil. Also, the wetland mitigation and monitoring plan will address isolating the TCE from the constructed wetlands and channels.

**Certification:** I hereby issue an order certifying that with the incorporation of the following conditions, any discharge from the applicant's proposed project described in its application will comply with the applicable provisions of Sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. The following conditions are associated with this certification:

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1. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. The site shall be stabilized as necessary through incorporation of appropriate Best Management Practices, including the successful reestablishment of native vegetation as appropriate, to enhance wildlife habitat values, and to prevent and control erosion and sedimentation;
2. No debris, soil, silt, sand, cement, concrete, or washings thereof, or other construction related materials or wastes, oil or petroleum products or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the State. Waters of the State includes all groundwater. When operations are completed, any excess material shall be removed from the work area and any areas adjacent to the work area where such material may be washed into waters of the State;
3. Caltrans shall submit a wetland mitigation and monitoring plan acceptable to the Board Executive Officer by March 1, 2001. The plan shall compensate for the loss of wetland habitat and other jurisdictional waters of the United States. The plan must propose a method of isolating the polluted groundwater from the constructed wetland and channels to address current concentrations of TCE in the groundwater and protect the beneficial uses of the constructed wetlands and channels. This plan should clearly reference Site No. 02-07-C0148;
4. Caltrans shall submit an action plan acceptable to the Board Executive Officer by March 1, 2001, which will include the following elements: (A) An Environmental Site Assessment to locate potential sources of TCE, prepared in accordance with ASTM's Phase I Environmental Site Assessment practice; (B) measures Caltrans will take to investigate the TCE source; (C) cleanup of mercury as identified in the June 2000 Supplemental Site Investigation and Groundwater Monitoring Report to a level protective of beneficial uses of the mitigation site; and, (D) measures for monitoring of the TCE at the mitigation site;
5. Caltrans shall comply with the State's National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity (General Permit), or its equivalent;
6. Caltrans shall comply with appropriate Board requirements for the dewatering of the Pier 5 foundation;
7. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code (CWC) and Section 3867 of Title 23 of the California Code of Regulations (23 CCR);
8. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and



Mr. Mulligan  
Page 4

that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought; and,

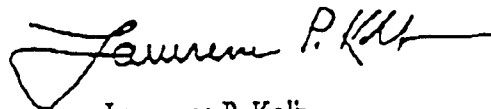
9. Certification is conditioned upon total payment of the full fee required in State regulations (23 CCR Section 3833) and owed by the applicant. The full fee of \$10,000 has been paid by the applicant.

Please be aware that Conditions 3 and 4 are formal requests for technical reports pursuant to CWC Section 13267. Also, any violation of water quality certification conditions is subject to administrative civil liability pursuant to CWC Section 13350. Failure to respond, inadequate response, or late response to this request for technical reports or to meet any condition of a certification may subject you to civil liability imposed by the Board to a maximum of \$1000 per day of violation or \$10 for each gallon of waste discharged in violation of this certification.

We anticipate no further action on this application. Should new information come to our attention that indicates a water quality problem with this project, the Regional Board may issue Waste Discharge Requirements pursuant to 23 CCR Section 3857.

If you have any questions, please contact Stephen Berger at (510) 622-2345 or email at [alb@rb2.swrcb.ca.gov](mailto:alb@rb2.swrcb.ca.gov).

Sincerely,



Lawrence P. Kolb  
Acting Executive Officer

cc: Bill Campbell, SWRCB-DWQ  
California Department of Fish and Game, Yountville  
U.S. Army Corps of Engineers, Attn: Debra O'Leary  
U.S. EPA, WTR-1

David Sulouff, Chief, Bridge Section  
Eleventh Coast Guard District, Bldg. 50-6  
Coast Guard Island  
Alameda, CA 94501-5100

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